

REMARKS

Upon examination, claims 1-3, 6-8, 20, 21, 32, 37, and 39-42 were pending in the application, with claim 41 being withdrawn from consideration, and the remaining claims being subject to examination. As is noted above, claims 2, 3, 6, 7, and 37 have now been canceled.

Claims 1, 8, 20, and 41 have been amended. Claim 1 has been amended to list novel peptides originally listed in claim 7; claim 8, which the Examiner deemed to be allowable if written in independent form, has been rewritten in such form; claim 20 has been amended to delete reference to Formula I, which has been deleted from claim 1; and claim 41 has been amended to delete reference to certain sequences. New claims 43 to 54 have now been added. Claims 43 and 44 specify compositions including an all [D] peptide comprising the sequence of SEQ ID NO:2, while new claims 45-54 specify antifibrillogenic agents comprising each of the individual sequences, other than SEQ ID NO:2, which are specified in amended claim 1. No new matter has been added by the present amendments.

Claims 1-3, 6, 7, 20, 21, 32, 37, 39, and 40 were rejected under 35 U.S.C. § 102(e), and claims 1 and 7 were provisionally rejected under the judicially-created Doctrine of Obviousness Type Double Patenting. Each of the rejections is addressed below.

First, Applicants request clarification as to whether reference WO 99/06587, which was cited in an Information Disclosure Statement filed on February 3, 2003, was considered. As is apparent from the enclosed copy of the Form PTO-1449 on which this reference was listed, the Examiner appears to have initialed each reference cited on the same page as this reference, except this reference. Applicants thus respectfully request clarification of this matter, and will assume that this reference has been considered in the absence of a response to the contrary.

Applicants further request reconsideration of the examination of claim 41, which was withdrawn from consideration for including sequences not falling within the scope of Formula I of claim 1 (i.e., SEQ ID NOs:5, 13, and 23). Claim 41 has now been amended to remove reference to these sequences.

Rejections under 35 U.S.C. § 102(e)

Claims 1-3, 7, 20, 21, 32, 39, and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nordstedt et al., U.S. Patent No. 6,331,440, on the basis that this reference, in Example 5, teaches a peptide comprising the sequence KLVFF, in which the amino acid residues are in D form. This rejection can now be withdrawn, as the claims have been amended to exclude this sequence. Claim 1, for example, has been amended so that Formula I is deleted from the claim, which now includes a list of novel sequences. Claims 2, 3, and 7 have been canceled, and claims 20, 21, 32, 39, and 40 depend from claim 1. Applicants thus request that this rejection be withdrawn.

Claims 1-3, 6, 7, 20, 21, 32, 37, 39, and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Findeis et al., U.S. Patent No. 6,303,567, on the basis that the patent teaches several D amino acid-containing peptides, which fall within the scope of the present claims. For example, the Examiner makes reference to the formula set forth in claim 20 of the Findeis patent, as well as peptides having sequences of SEQ ID NOs:28, 30, and 32 of the Findeis patent. Applicants request that this rejection be withdrawn because, as is noted above, the present claims have been amended to recite novel sequences, which are not present in the Findeis patent (see above).

Provisional Rejection under the Judicially-Created Doctrine of Obviousness Type Double Patenting

Claims 1 and 7 were provisionally rejected under the judicially-created Doctrine of Obviousness Type Double Patenting over claim 27 of U.S. Patent Application No. 09/915,092, which the Examiner states recites a peptide comprising D amino acids of the following sequence KLVFFA-OH. As is noted above, claim 1 has been amended to recite specific sequences, none of which corresponds to the sequence of claim 27 of the cited application, and claim 7 has been canceled. In view of these amendments, Applicants request that this rejection be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. Applicants submit a check in the amount of \$1300.00 to cover the cost of the additional thirteen (13) independent claims. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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SUBSTITUTE FORM PTO-1449 (MODIFIED) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) (37 C.F.R. § 1.98(b))	Attorney Docket No.	50291/002001
	Serial No.	10/009,122
	Applicant	Robert Chalifour et al.
	Filing Date	June 18, 2002
	Group	1614

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

Examiner's Initials	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation (Yes/No)
SWL	WO 94/05311	17.03.94	WIPO			
	WO 94/14836	07.07.94	WIPO			
	WO 94/19692	01.09.94	WIPO			
	WO 95/05393	23.02.95	WIPO			
	WO 95/05849	02.03.95	WIPO			
	WO 95/08999	06.04.95	WIPO			
	WO 95/12815	11.05.95	WIPO			
	WO 95/23166	31.08.95	WIPO			
	WO 95/31996	30.11.95	WIPO			
	WO 96/13583	09.05.96	WIPO			
	WO 96/28471	19.09.96	WIPO			
	WO 96/34887	07.11.96	WIPO			
	WO 96/37621	28.11.96	WIPO			
	WO 97/08320	06.03.97	WIPO			
	WO 97/32017	04.09.97	WIPO			
	WO 98/02462	22.01.98	WIPO			
	WO 98/05350	12.02.98	WIPO			
	WO 98/08868	05.03.98	WIPO			
	WO 98/22120	28.05.98	WIPO			
	WO 99/06587	11.02.99	WIPO			
SWL	WO 99/27944	10.06.99	WIPO			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.

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